

To: Miller, Christina[Miller.Christina@epa.gov]
Cc: Henning, Alan[Henning.Alan@epa.gov]; Carlin, Jayne[Carlin.Jayne@epa.gov]; Muller, Lori[muller.lori@epa.gov]; Reese, Cathy[Reese.Cathy@epa.gov]; Brendle, Joanne[Brendle.Joanne@epa.gov]
From: Tsing-Choy, Kathy
Sent: Fri 1/6/2017 9:43:22 PM
Subject: RE: Kathy can you look over quickly 319 Terms and Conditions for Oregon PPG

Hi Christina,

The following conditions should not be included in the programmatic 319 T&C because they are listed on the OGD Generic T&C.

Website to Admin T&C #1: <https://www.epa.gov/grants/epa-general-terms-and-conditions-effective-october-3-2016-or-later>

5) Quality Assurance – Used R10 standard QA T&C

7) Sufficient Progress – This condition is in the National Generic T&C – Admin T&C #1.

13) Food and Refreshments – This condition is in the National Generic T&C – Admin T&C #1.

Kathy Tsing-Choy

Tel: (206) 553-4688 | Fax: (206) 553-4957 | tsing-choy.kathy@epa.gov

From: Miller, Christina

Sent: Friday, January 06, 2017 10:46 AM

To: Tsing-Choy, Kathy <Tsing-Choy.Kathy@epa.gov>; Reese, Cathy <Reese.Cathy@epa.gov>;

Brendle, Joanne <Brendle.Joanne@epa.gov>

Cc: Henning, Alan <Henning.Alan@epa.gov>; Carlin, Jayne <Carlin.Jayne@epa.gov>; Muller, Lori <muller.lori@epa.gov>

Subject: Kathy can you look over quickly 319 Terms and Conditions for Oregon PPG

Importance: High

Hi Kathy,

Below are 319 T&C that Jayne would like me to add to ODEQ's PPG.

As you okay with me adding them as written? I noticed some of them are already covered in Grants General Conditions – sufficient progress , light refreshments.

Can you please let us know upfront which ones you might have a problem including as is. I plan to do a Change Request to add 105 and 106 incremental funding and add 319 T&C next week

Ex. 6 - Personal Privacy

Jayne has mentioned some issues with the R10 pick list.

Thank you.

-Christina

From: Carlin, Jayne

Sent: Friday, January 06, 2017 10:38 AM

To: Miller, Christina <Miller.Christina@epa.gov>

Cc: Henning, Alan <Henning.Alan@epa.gov>

Subject: 319 Terms and Conditions for Oregon PPG

1) Reporting Requirements

The recipient agrees to comply with all reporting requirements required by EPA regulation (40 CFR parts 31 and 35), §§ 319(h)(10) and (11) of the Clean Water Act, and by the *Nonpoint Source Program and Grants Guidelines for States and Territories*. (2013) Failure to comply with the above referenced reporting requirements may result in a disruption of grantee funding and/or

early termination of the grant agreement in accordance with 40 CFR part 31.43.

2) Project Reports

The recipient agrees to submit reports for all projects identified in the approved work plan, including those performed by the recipient, subgrantees, contractors, and through interagency agreements. Reports shall include a comparison of actual accomplishments to the outputs/outcomes established in the workplan for that period, the reasons for slippage if those outputs/outcomes could not be met, and any other pertinent information such as cost overruns. Reports are due annually in accordance to deadlines specified by EPA each year until the grant is closed.

Reports can be submitted in GRTS. In accordance with 40 C.F.R. § 31.40 (d), the recipient agrees to inform EPA as soon as problems, delays or adverse conditions arise which will materially impair the ability to meet the outputs/outcomes specified in the assistance agreement work plan.

A final project report is due to the EPA project officer within 90 days after the end of the Assistance Agreement Project Period. The report must describe project activities and identify and discuss the extent to which project goals have been achieved, and the amount of funds spent on the project. The report should emphasize successes, failures, lessons learned, load reduction data, and should include any available water quality and habitat data demonstrating project results. Acceptance and approval of final project reports is the responsibility of the recipient. Final project reports will be provided electronically as attachments in GRTS, and submitted in hard copy if required. In addition, the GRTS database should be updated to reflect the project status as complete.

3) Annual Nonpoint Source (NPS) Program Report

The recipient agrees to provide information required under § 319(h)(11) of the Clean Water Act for the purpose of annual reporting on progress under the State's NPS management program. The § 319 Annual Program Report will be due by the date mutually agreed upon between the EPA Project Officer and the recipient, so that a clear understanding of progress can be achieved between the two parties. At a minimum, the report shall contain a summary of progress, including rationale/evidence, in meeting the schedule of milestones in the approved management program and reductions in NPS pollutant loading and improvements in water quality that has resulted from implementation of the NPS management program. Failure to submit the annual NPS program report may affect the recipient's eligibility for future § 319 grant funding.

4) GRTS

The recipient shall enter all mandated data elements into the Grants Reporting and Tracking System (GRTS) for NPS projects funded under § 319 of the Clean Water Act, according to deadlines specified by EPA.

Initial data entry is due 90 days from award and includes all mandated data elements except the geographic area (if still to be determined), best management practices (BMPs) and load reduction data. The recipient will report BMP and load reduction data as projects are implemented. At a minimum, the BMP and load reduction data will be reported by February 15th of each year for projects implementing BMPs in the previous fiscal year.

5) Quality Assurance

The recipient agrees to continue to implement and adhere to its EPA-approved Quality Management Plan (QMP) in accordance with EPA QA/R-2, EPA Requirements for Quality Management Plans. If not included under the approved QMP, a stand-alone QAPP is required for those projects/activities that result in the collection and/or generation of environmental information, metrics or data. The recipient agrees to ensure that an approved site specific QAPP is completed for each project. The QAPPs will be reviewed and approved by the Recipient prior to the reimbursement for collection of any environmental information or data. A copy of the approved QAPPs must be retained with the recipient's official records for this Agreement.

6) STORET Data Reporting

The recipient agrees to enter water quality monitoring data, for data collected in a waterbody pursuant to the implementation of a § 319 project, into EPA's "storage and retrieval" (STORET) data system. All water quality data generated with § 319 funding, either directly or by sub-award, are required to be transmitted into the STORET data warehouse using either the Water Quality Exchange (WQX) or WQXweb.

7) Sufficient Progress

EPA may terminate the assistance agreement for failure of the recipient to make sufficient progress so as to reasonably ensure completion of the project within the project period, including any extensions. EPA will measure sufficient progress by examining the performance required under the workplan in conjunction with the milestone schedule, the time remaining for

performance within the project period, and/or the availability of funds necessary to complete the project. In determining sufficient progress, EPA may also consider the rate of expenditure of funds (unliquidated obligations), as well as the findings from the most recent § 319 performance and progress determination. (See EPA's *Guidance and Checklist for Determining Progress of State NPS Management Programs and Performance of CWA Section 319 Grants*.)

8) Watershed-based Plans

Under the § 319 guidelines, use of § 319 “watershed project” funds requires that a watershed-based plan which includes all of the information in elements (a)-(i) as described in the § 319 grant guidelines, or an acceptable alternative plan be completed prior to implementation of on-the-

ground projects. The recipient shall ensure a watershed-based plan or acceptable alternative plan is completed prior to beginning to implement any on-the-ground project with § 319 watershed project funds.

Upon request by EPA, the recipient shall provide a copy of any watershed-based plan or acceptable alternative plan funded under § 319 as well as any available information regarding the status of implementation activities and results, including but not limited to any reports on BMP's implemented;

§ 319 funds expended; contributions of funds by other sources to assist in implementation of the watershed-based plans (to the extent this information is readily available to the State); results achieved; and other relevant and appropriate information.

9) Operation and Maintenance

The recipient will assure the continued proper operation and maintenance of all nonpoint source management practices that have been implemented for projects funded under this agreement. Such practices shall be operated and maintained for the expected lifespan of the specific practice and in accordance with commonly accepted standards. The recipient shall include a provision in every applicable sub-agreement (subgrant or contract) awarded under this grant requiring that the management practices for the project be properly operated and maintained. Likewise, the subagreement will assure that similar provisions are included in any sub-agreements that are awarded by the sub-recipient.

10) Maintenance of Effort/ Required Non-Federal Match

State expenditures for NPS implementation activities must meet the maintenance of effort (MOE) level required under § 319(h)(9) of the Clean Water Act. A 40% non-federal program match is also required. The state should assure that the MOE and match requirements have been satisfied and report this through the final Federal Financial Report (FFR) at the end of the budget period.

11) Limitation on Administrative Costs

In accordance with § 319(h)(12) of the Clean Water Act, administrative costs in the form of salaries, overhead, or indirect costs shall not exceed in any fiscal year 10 percent of the amount of the grant except that costs of implementing enforcement and regulatory activities, education, training, technical assistance, demonstration projects, and technology transfer programs shall not be subject to this limitation.

12) Obligation and Outlay of Funds

In accordance with § 319(h)(6) of the Clean Water Act, the recipient will show commitment to expend the funds awarded in this grant and to complete the funded projects in accordance with its EPA approved Nonpoint Source management program and the approved work plan. The recipient will award all proposed contracts, subgrants and interagency agreements within one year after grant award.

13) Food and Refreshments

Unless the event(s) and all of its components (i.e., receptions, banquets and other activities that take place after normal business hours) are described in the approved workplan, the recipient agrees to obtain prior approval from EPA for the use of grant funds for light refreshments and/or meals served at meetings, conferences, training workshops, and outreach activities (events). The recipient must send requests for approval to the EPA Project Officer and include:

- I. An estimated budget and description for the light refreshments, meals, and/or beverages to be served at the event(s);
- II. A description of the purpose, agenda, location, length and timing for the event.
- III. An estimated number of participants in the event and a description of their roles.

Recipients may address questions about whether costs for light refreshments, and meals for events are allowable to the recipient's EPA project officer. However, the Agency Award Official

or Grant Management Officer will make final determinations on allowability. Agency policy

prohibits the use of EPA funds for receptions, banquets and similar activities that take place after normal business hours unless the recipient has provided a justification that has been expressly approved by EPA's Award Official or Grants Management Officer.

Note: U.S. General Services Administration regulations define light refreshments for morning, afternoon or evening breaks to include, but not be limited to, coffee, tea, milk, juice, soft drinks, donuts, bagels, fruit, pretzels, cookies, chips, or muffins. (41 CFR 301-74.11)

14) Permits

The recipient agrees to ensure that all necessary permits (such as Clean Water Act § 404) are obtained prior to implementation of any grant funded activity that may fall under applicable federal, state or local laws. The subgrantee's project implementation plan must identify permits that may be needed to complete work plan activities. The recipient must keep documentation regarding necessary permits in the project file. EPA approval of a workplan does not imply nor guarantee that a federal, state, or local permit will be issued for a particular activity.

15) Participation in Regional and National Meetings

The recipient agrees to attend annual NPS Manager's meetings and GRTS users meeting, as scheduled, unless agreed upon in advance by the EPA Project Officer.

16) NPS Success Stories

The recipient must draft and submit to EPA all applicable NPS Program Success Stories which highlight projects resulting in the restoration of waterbodies.

17) Substantial Involvement condition

[if a cooperative agreement (only if applicable):]

Substantial Federal involvement with the recipient is anticipated during the performance of the cooperative agreement. This Federal involvement may include:

1. Monitoring by EPA of the recipient's performance.
2. Consultation and collaboration on technical matters that will help the recipient carry out the agreement effectively.
3. EPA's prior review and approval of project phases if developed and the substantive terms of the proposed subawards the recipient enters into to carry out specific elements of the scope of work.

18) TMDLs Developed Under Section 319 Grant

For each § 319-funded TMDL, the recipient will provide the following supplemental information to support the load allocations specified in the TMDL: (1) an identification of total NPS existing loads and total NPS load reductions necessary to meet water quality standards, by source type; (2) a detailed identification of the causes and sources of NPS pollution by source type to be addressed in order to achieve the load reductions specified in the TMDL (e.g., acres of various row crops, number and size of animal feedlots, acres and density of residential areas); and (3) an analysis of the NPS management measures by source type expected to be implemented to achieve the necessary load reductions, with the recognition that adaptive management may be necessary during implementation.

19) Recognition of EPA Funding

Reports, documents, and signage developed as part of projects funded by this assistance agreement shall contain the following statement:

“This project has been funded wholly or in part by the United States Environmental Protection Agency under assistance agreement (number) to (recipient). The contents of this document do not necessarily reflect the views and policies of the Environmental Protection Agency, nor does mention of trade names or commercial products constitute endorsement or recommendation for use.”

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